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11 “Countrywide Home Loans, Inc.” and

“Countrywide Bank, FSB”

12 [Additional counsel on signature page]

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **SAN JOSE DIVISION**

16 ENEIDA AMPARAN, RAFAEL CISNEROS  
17 and GUADALUPE CISNEROS, individually  
and on behalf of all others similarly situated,

18 Plaintiffs,

19 v.

20 PLAZA HOME MORTGAGE, INC.;  
21 WASHINGTON MUTUAL MORTGAGE  
SECURITIES CORP.; WAMU ASSET  
22 ACCEPTANCE CORP.; COUNTRYWIDE  
HOME LOANS, INC.; COUNTRYWIDE  
23 BANK, FSB; and DOES 5 through 10 inclusive,

24 Defendants.

Case No. C-07-04498 JF (PSG)

**JOINT STIPULATION AND ORDER RE:  
ADJOURNING CASE DEADLINES  
PENDING MEDIATION**

Judge: Hon. Jeremy Fogel

**JOINT STIPULATION AND ORDER RE: ADJOURNING CASE DEADLINES PENDING MEDIATION**

Pursuant to Fed. R. Civ. P. 6(b), Plaintiffs Eneida Amparan, Rafael Cisneros and Guadalupe Cisneros ("Plaintiffs"), and defendants named as "Countrywide Home Loans, Inc." ("CHL"), "Countrywide Bank, FSB" ("Countrywide Bank") (collectively, CHL and Countrywide Bank are referred to herein as "Countrywide"); "Plaza Home Mortgage Inc." ("Plaza Home"); "Washington Mutual Mortgage Securities Corp." ("WMMSC") and "WAMU Asset Acceptance Corp." ("WAAC") (collectively, WMMSC and WAAC are referred to herein as "WaMu") (Countrywide, Plaza Home and WAMU are collectively referred to herein as "Defendants," and together, with Plaintiffs, the "Parties") hereby jointly stipulate and request that this Court temporarily adjourn the case deadlines in this case pending the outcome of settlement discussions. In support of this Joint Stipulation, the Parties state as follows:

1. This is a putative class action brought by Plaintiffs against Defendants, asserting claims for fraudulent omissions and violation of the UCL in connection with payment option loans made by Plaza Home that were later purchased by Countrywide and/or WaMu.

2. By Minute Order dated March 18, 2011 ("Order") (Dkt. No. 182), this Court set October 28, 2011 as the date for the hearing on Plaintiffs' class certification motion. The Parties later agreed to a schedule for expert disclosures and a class certification briefing schedule, including an August 19, 2011 deadline for Plaintiffs' class certification motion, a September 16, 2011 deadline for Defendants' oppositions, and an October 14, 2011 deadline for Plaintiffs' reply submissions.

3. This case is one of several pending putative class actions brought by Plaintiffs' counsel asserting the same claims and legal theories for recovery in the California state and federal courts against various defendants, including Countrywide. *See Avila v. OneWest Bank, FSB*, No. CV08-0419 AG (CTx) (C.D. Cal.); *Baker v. Aegis Wholesale Corp.*, No. 4:09-cv-05280 PJH (N.D. Cal.); *Love v. First Mortgage Corp.*, No. G044630 (Cal. Court of Appeal); *Ralston v. Mortgage Investors Group, Inc.*, No. Case No. 08-CV-00536 JF (PVT) (N.D. Cal.); *Rohrmann v. First Metropolitan Funding Corp.*, No. SACV 08-0313 AG (CTx) (C.D. Cal.); *Romero v.*

1 *Countrywide Home Loans, Inc.*, No. 5:07-cv-04491-JF (N.D. Cal.); *Thibault v. American*  
2 *Mortgage Network, Inc.*, No. H036620 (Cal. Court of Appeal).

3 4. In *Ralston*, plaintiff filed his class certification motion on May 20, 2011, seeking to  
4 certify a class of more than 168,000 borrowers who obtained payment option loans from more  
5 than 1,200 correspondent lenders (including Plaza Home) that were later purchased by CHL  
6 (including the loan made by Plaza Home to the Cisneroses that is the subject of this action).

7 5. The parties in *Ralston* have agreed to explore a potential resolution of the matter  
8 with the assistance of a third-party mediator, and have scheduled a mediation for August 2, 2011.  
9 In light of the pending mediation, the parties in *Ralston* jointly requested that this Court extend the  
10 pending class certification briefing and hearing deadlines. This Court approved that stipulation by  
11 Order on June 6, 2011 (Dkt. No. 254).

12 6. In light of the extension of the deadlines in the *Ralston* case to allow for settlement  
13 discussions, and because of the overlap between *Ralston* and this case, the Parties respectfully  
14 request that this Court (a) temporarily adjourn the class certification briefing and other deadlines,  
15 including the August 19, 2011 deadline for Plaintiffs' class certification motion, the September 16,  
16 2011 deadline for Defendants' oppositions, the October 14, 2011 deadline for Plaintiffs' reply  
17 submissions and the October 28, 2011 class certification hearing date; and (b) permit the Parties to  
18 file a Joint Status Report with the Court on or before August 15, 2011 advising the Court as to the  
19 status of the settlement discussions and, if necessary, proposing new class certification briefing  
20 deadlines and a new class certification hearing date.

21 7. The Parties agree that, if new class certification briefing deadlines are necessary,  
22 the filing date for Plaintiffs' class certification motion shall be no sooner than sixty (60) days after  
23 the conclusion of the temporary adjournment of the deadlines, and the Parties shall be allowed to  
24 conduct pre-certification discovery during that time.

25 8. The Parties respectfully submit that there is good cause for this joint request. The  
26 requested temporary adjournment will conserve the Parties' and this Court's resources and avoid  
27 the potentially unnecessary expenditure of attorneys' fees and other litigation costs while the  
28

1 parties in *Ralston* explore the possibility of a settlement. *See* Fed. R. Civ. P. 1 (federal rules  
2 “should be construed and administered to secure the just, speed, and inexpensive determination of  
3 every action and proceeding”).

4 9. No party will be prejudiced by the requested temporary suspension.

5 10. No prior extension or adjustment of the deadlines set forth in the Order has been  
6 sought by the Parties.

7 WHEREFORE, for all the foregoing reasons, the Parties jointly request that this Court (a)  
8 temporarily adjourn the case deadlines, including the August 19, 2011 deadline for Plaintiffs’ class  
9 certification motion, the September 16, 2011 deadline for Defendants’ oppositions, the October  
10 14, 2011 deadline for Plaintiffs’ reply submissions and the October 28, 2011 class certification  
11 hearing date; and (b) permit the Parties to file a Joint Status Report with the Court on or before  
12 August 15, 2011 advising the Court as to the status of the settlement discussions in *Ralston* and, if  
13 necessary, proposing new class certification briefing deadlines and a new class certification  
14 hearing date.

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2  
3 Dated: June 20, 2011  
4  
5  
6  
7

Respectfully submitted,

/s/ Brooks R. Brown

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14 Dated: June 20, 2011

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1 Dated: June 20, 2011

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15 Dated: June 20, 2011

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**ORDER**

Upon consideration of the Parties' Stipulation and having good cause therefore, **IT IS HEREBY ORDERED** that (a) the deadlines in the case are adjourned, including the August 19, 2011 deadline for Plaintiffs' class certification motion, the September 16, 2011 deadline for Defendants' oppositions, the October 14, 2011 deadline for Plaintiffs' reply submissions and the October 28, 2011 class certification hearing date; and (b) the Parties are to file a Joint Status Report with the Court on or before August 15, 2011 advising the Court as to the status of the settlement discussions and, if necessary, proposing new class certification briefing deadlines and a new class certification hearing date.

**IT IS ORDERED.**

Dated: 6/21, 2011

  
\_\_\_\_\_  
HON. JEREMY FOGEL  
United States District Judge



**ECF CERTIFICATION**

Pursuant to General Order No. 45, § X.B., the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: June 20, 2011

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By: /s/ Brooks R. Brown

Attorneys for Defendants:  
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**PROOF OF SERVICE**

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this June 20, 2011.

/s/ Brooks R. Brown  
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